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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,549	01/12/2004	Johnny Tai	CFP-2305 (15722/619)	1207
23595	7590	10/12/2004	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			GARRETT, ERIKA P	
		ART UNIT	PAPER NUMBER	
		3636		

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/755,549	TAI, JOHNNY
	Examiner	Art Unit
	Erika Garrett	3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on _____.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) ____ is/are allowed.
 6) Claim(s) 1-13, 17 and 18 is/are rejected.
 7) Claim(s) 14-16 is/are objected to.
 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan (4,678,229). Ryan discloses the use of a chair comprising two frames (10,10'), a support (8) located between and pivotally connected with the frames for supporting a user and a hydraulic cylinder (72) connected between one of the frames and the support. In regards to claim 2, wherein the hydraulic cylinder includes a lever (90) movable from a first position where the hydraulic cylinder cannot be extended and shrunk and a second position where the hydraulic cylinder can be extended and shrunk. In regards to claim 3, two brackets (55) each for connecting corresponding one of the frames with the support. In regards to claim 4, wherein each of the frames includes an axle, and each of the brackets includes a collar (25) installed on corresponding one of the axles. In regards to claim 5, wherein each of the brackets includes two rods (37) connected between the collar and the support. In regards to claim 6, wherein each of the brackets includes a reinforcement plate (58) connected between the rods. In regards to claim 7, wherein the support includes an upper portion formed as a backrest (3), a middle portion formed as a seat (5) and a lower portion formed as a stool (7). In

regards to claim 8, including two brackets each for connecting corresponding one of the frames with the support. In regards to claim 9, wherein each of the frames includes an axle, and each of the brackets includes a collar installed on corresponding one of the axles. In regards to claim 10, wherein each of the brackets includes a rod (15) connected between the collar and the backrest and another rod connected between the collar and the seat. In regards to claim 11, wherein each of the brackets includes a reinforcement plate connected between the rods. In regards to claim 12, wherein each of the frames includes a rear leg, a front leg (17) and an armrest (21) connected (by 13) with both of the front and rear legs. In regards to claim 13, two brackets (11) each for connecting corresponding one of the armrests with the support. In regards to claim 17, wherein each of the frames includes a rod (15) connected between the front and rear legs. In regards to claim 18, including a rod connected between the rear legs of the frames.

Allowable Subject Matter

Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to a beach chair: U.S Pat. No. 4635999, 720143, 4941709, 4370001,

US005213395A, US006217114B1, US006382725B1, US006102479A,
US006582018B2, US006764132B1, US006402244B1, US006412870B1,
US005467002A, and GB 2157557A.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 703-605-0758. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600

EG
September 29, 2004